

REMARKS

This is intended as a full and complete response to the Office Action dated September 2, 2004, having a shortened statutory period for response set to expire on December 2, 2004. Please reconsider the claims pending in the application for reasons discussed below.

Claim Rejections- 35 U.S.C. § 112

Claims 11-30 stand rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. The Examiner states that the specification contains no language supporting the fluid flow path recited in the claims.

Applicants respectfully traverse the rejection and submit that the originally filed disclosure supports each claim limitation. Specifically, the specification states in paragraph [0025] on page 8 that:

[d]epending upon the requirements of the operator, a *fluid path may be left between the expanded tubular and the wellbore in order to provide a flow path for fluids* (emphasis added), including cement. For example, the tubular may be expanded in a spiral fashion leaving flute-shaped spaces for the passage of cement or other fluids.

Axial and rotational movement of the apparatus (reference number 500 in Figures 1 and 9) as the expander tool (reference character 100) is actuated inside the tubular to be expanded in the wellbore(s) forms this fluid path. As illustrated in Figure 9 and described in the specification, the tubular to be expanded can be inserted through a window in one wellbore and into another wellbore such that the tubular extends across and is expanded across the junction between the two wellbores. For the foregoing reasons, the originally filed disclosure expressly, implicitly and/or inherently supports the claimed fluid path. Accordingly, Applicants respectfully request withdrawal of the rejection and allowance of the claims.

Claim Objections

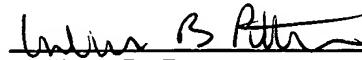
Claim 28 stands objected to because of informalities. The Examiner states that in line 8 there is no antecedent basis for "the at least one fluid flow path."

Applicants respectfully traverse the objection. Antecedent basis for “the at least one fluid path” in line 8 is provided in the preamble which recites a “method of forming at least one fluid path.” Accordingly, Applicants respectfully request withdrawal of the objection and allowance of the claim.

Conclusion

Having addressed all issues set out in the office action, Applicants respectfully submit that the claims are in condition for allowance and respectfully request that the claims be allowed.

Respectfully submitted,



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